
Public Notice

Applicant: County Line Stone Co., Inc. **Date:** Published: June 27, 2001
U.S. Army Corps of Engineers **In Reply Refer To:** Expires: July 27, 2001
Buffalo District CELRB-CO-R RE: 98-976-0110(1) **Section:** NY 404

Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).

County Line Stone Co., Inc., 4515 Crittenden Road, Akron, New York 14001, proposes to expand their existing quarry operation to a parcel located north of Schurr Road in the Town of Newstead, Erie County, New York. The proposed project will result in the loss of approximately 10.8 acres of regulated wetland on the project site.

This wetland is connected to an unnamed tributary to Ellicott Creek via a culvert under the New York State Thruway.

The project consists of the following:

a. Approximately 10.8 acres of regulated wetland will be permanently destroyed as a result of landclearing, temporary stockpiling and mining activities on an approximately 230 acre parcel located north of Shurr Road and East of Crittenden Road in the Town of Newstead. The wetland area to be impacted consists mostly of primary growth deciduous woods located at the northern portion of the site. This wetland area does not appear in historic aerial photographs and may have been influenced by the construction of the New York State Thruway, which forms the northern boundary of the site.

b. The proposed project has been redesigned several times to reduce impacts to wetlands on the site. The current proposal avoids approximately 29 acres of wetlands on the site. The bulk of the avoided wetlands are located in the northeastern corner of the site and include an older, more mature wooded wetland and an adjacent pond.

c. One small, depressional wetland, wetland "D" on the enclosed drawings, is not part of or adjacent to a tributary system to a navigable water of the United States. Based upon inspection of historic records and field observations, the Corps has determined that this wetland is an intrastate, isolated non-navigable waterway and not subject to Department of the Army jurisdiction.

d. As mitigation for unavoidable impacts to approximately 10.8 acres of regulated wetland, the applicant proposes to create/restore approximately 14 acres of wetland at an off-site location (Crittenden Road/Siehl Road), enhance approximately 4 acres of wetland of upland at the Crittenden Road/Siehl Road Site and place perpetual conservation easements/restrictions on approximately 35 acres of

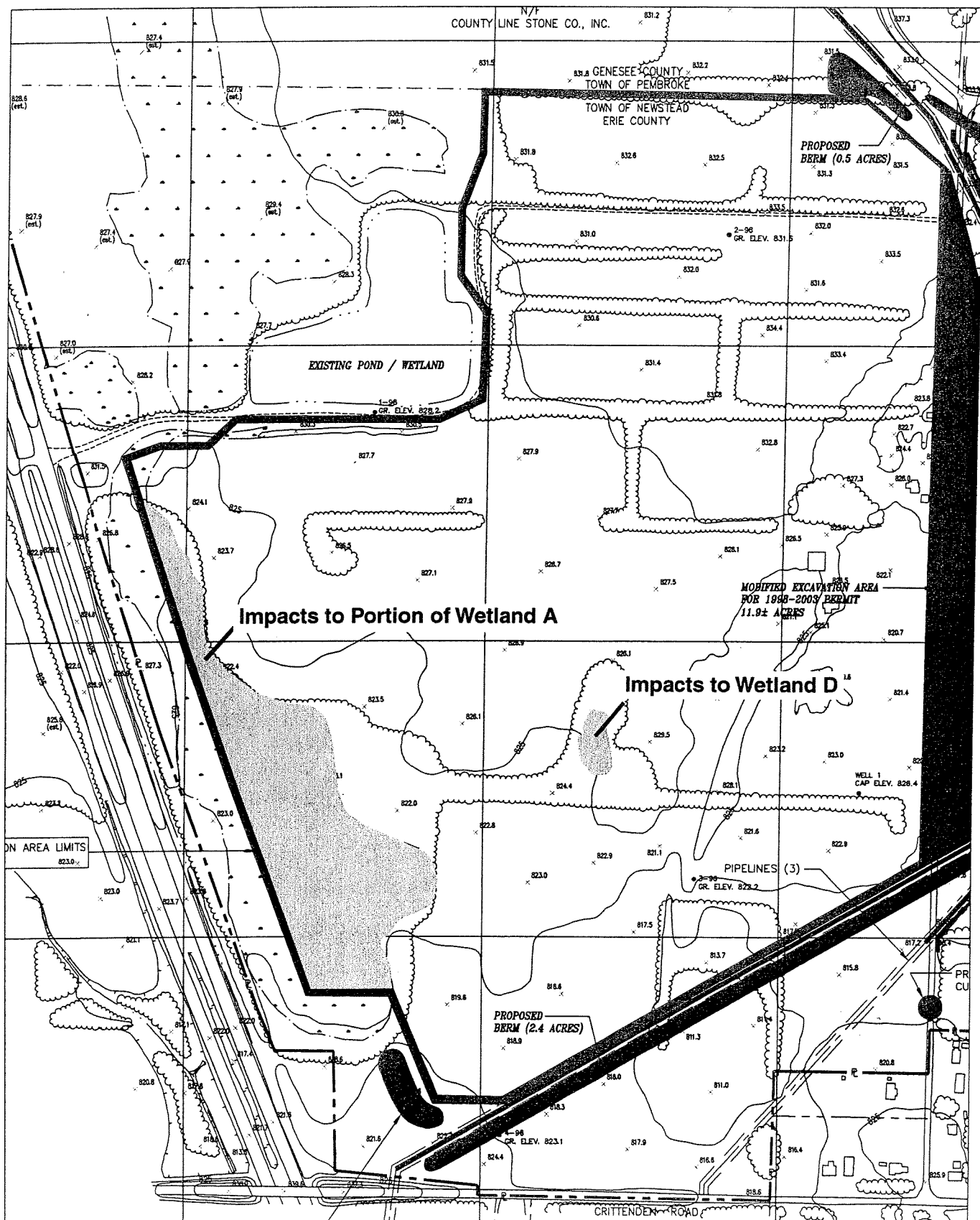


Figure 2. Area of Wetland Impacts, County Line Stone Co., Inc. Gravel Mine Expansion Project, Town of Newstead, Erie County, New York

Prepared by: Continental Placer Inc.; modified by The Environ

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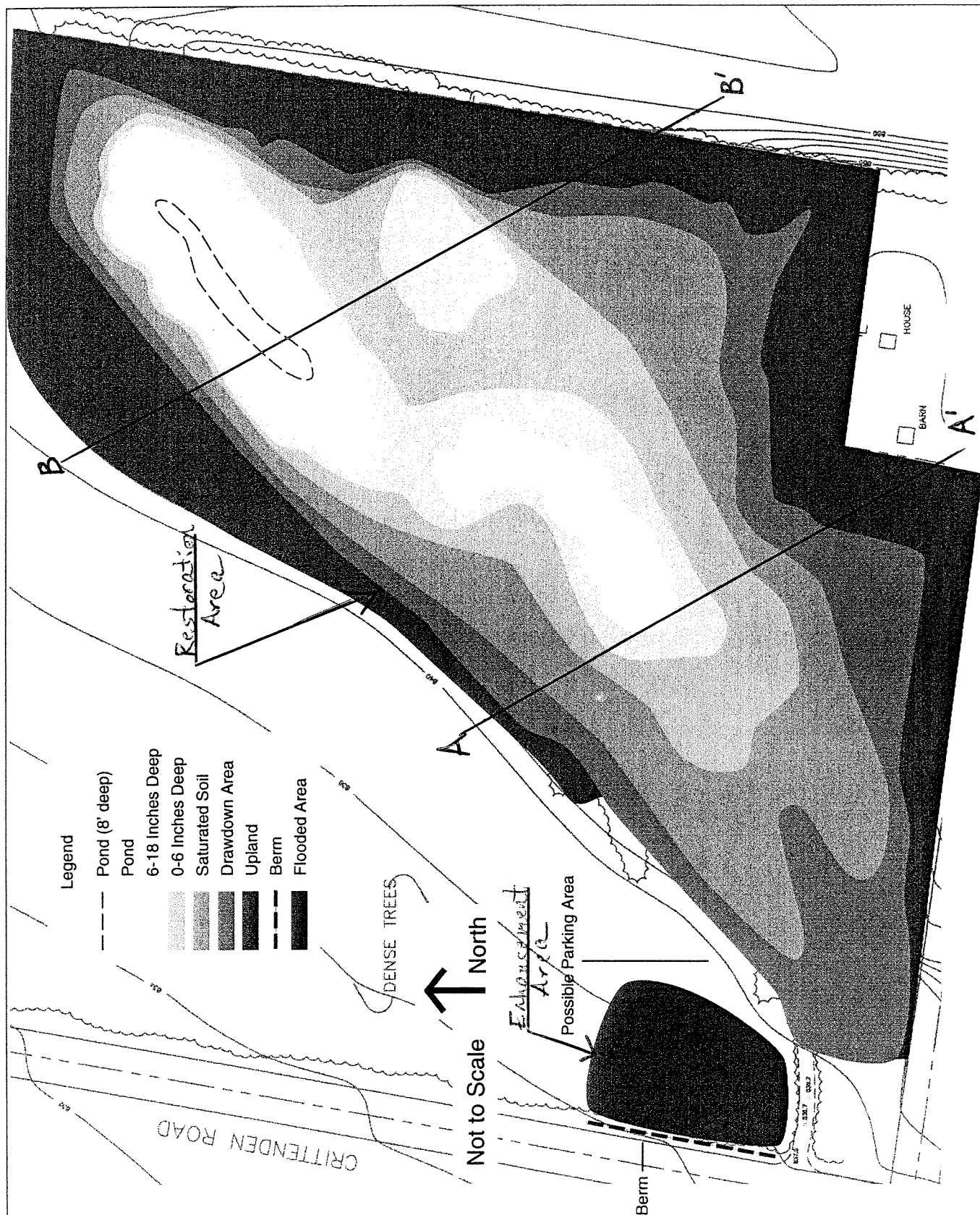


Figure 4. Detail of Wetland Mitigation Area, County Line Stone Co., Inc. Gravel Mine Expansion Project, Town of Newstead, Erie County, New York

Prepared by: The Environmental Collaborative

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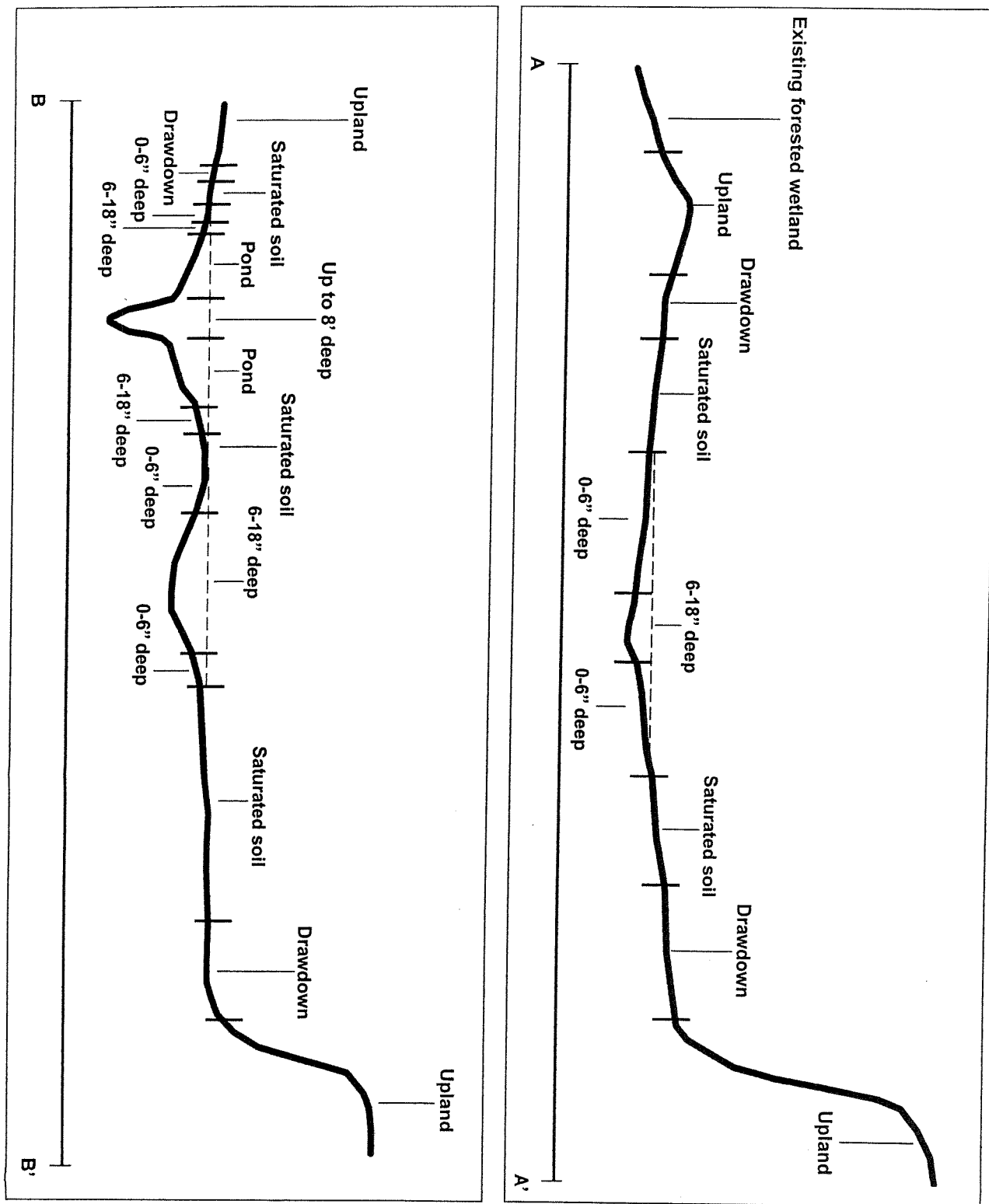


Figure 30b. Cross-Sections through Proposed Wetland Mitigation

County Line Stone Company, Inc. Gravel Mine Expansion Project
Town of Newstead, Erie County, New York



Not to Scale

Wetlands • Natural Resource Design and Planning • Visual Resource Assessment and Management

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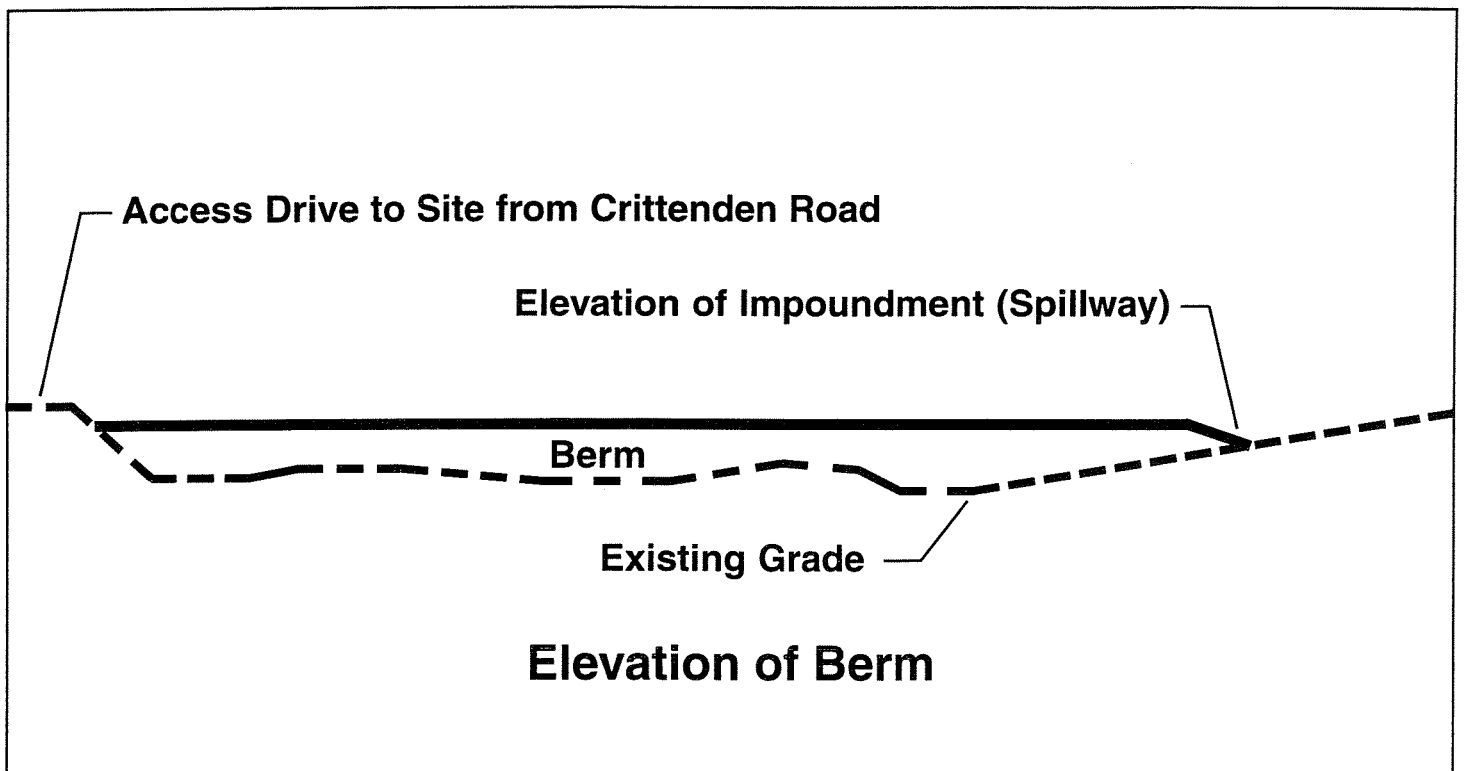
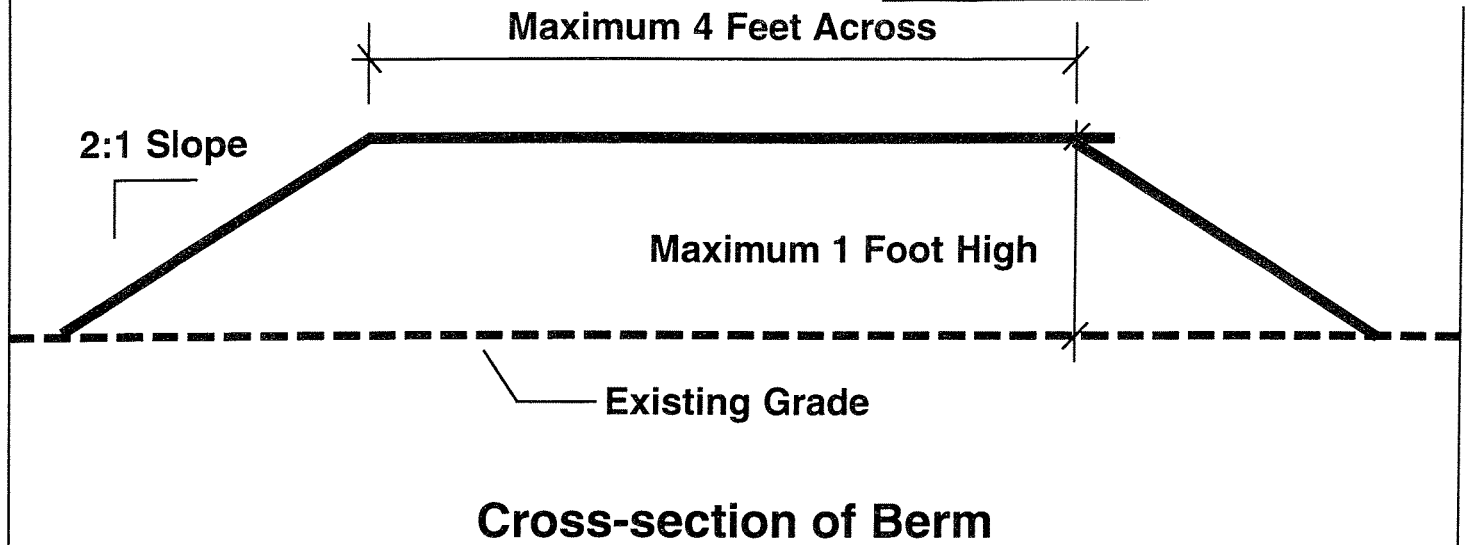
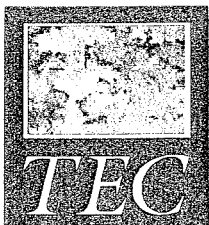


Figure 31. Proposed Berm Along Crittenden Road



Wetland Mitigation Project

Town of Newstead, Erie County, New York

Not to Scale

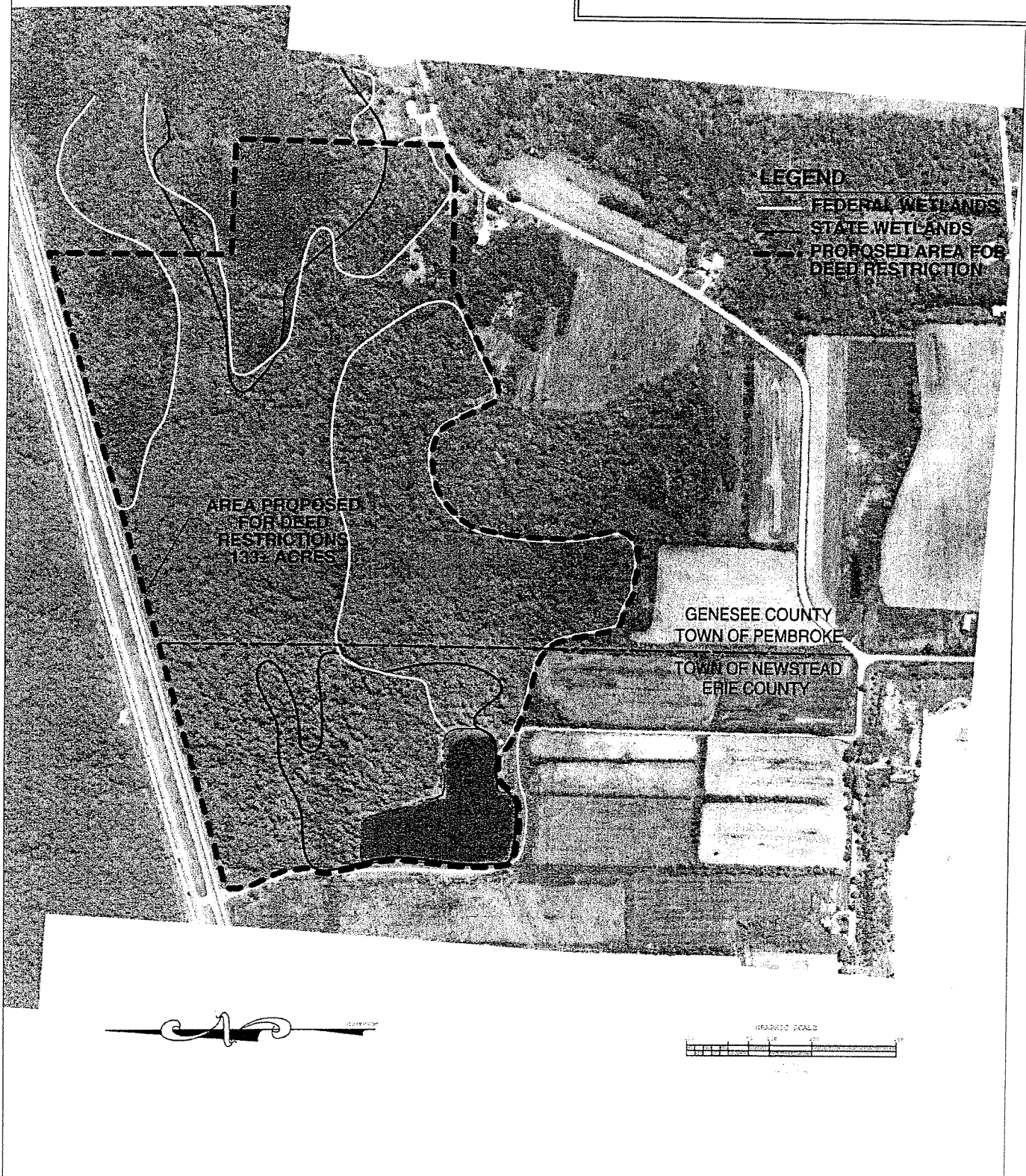


Figure 5. Deed Restriction Area, County Line Stone Co., Inc. Gravel Mine Expansion Project, Town of Newstead, Erie County, New York

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Suggested Plants and Planting Depths

Herbaceous Species to be Planted in 0 to 6 inches of Permanent Water

<i>Acorus calamus</i>	Sweet Flag
<i>Alisma plantago-aquatica</i>	Water Plantain
<i>Decodon verticillatus</i>	Water Willow
<i>Dulichium arundinaceum</i>	Three Way Sedge
<i>Equisetum fluviatile</i>	Water Horsetail
<i>Iris versicolor</i>	Blueflag Iris
<i>Juncus canadensis</i>	Canada Rush
<i>Peltandra virginica</i>	Arrow Arum
<i>Pontederia cordata</i>	Pickereel Weed
<i>Rumex verticillatus</i>	Water Dock
<i>Sagittaria latifolia</i>	Common Arrowhead
<i>Saururus cernuus</i>	Lizard's Tail
<i>Scirpus fluviatilis</i>	River Bulrush
<i>Scirpus validus</i>	Soft Stem Bulrush
<i>Sparganium americanum</i>	American Burreed
<i>Sparganium eurycarpum</i>	Giant Burreed
<i>Typha angustifolia</i>	Narrowleaf Cattail
<i>Typha latifolia</i>	Broadleaf Cattail

Herbaceous Species to be Planted in 6 to 18 inches of Permanent Water

<i>Brasenia schreberi</i>	Watershield
<i>Nuphar lutea</i>	Spatterdock
<i>Nymphaea odorata</i>	White Water Lily

Herbaceous Species to be Planted in Areas of Saturated Soil (Not Standing Water)

<i>Carex crinita</i>	Fringed Sedge
<i>Carex lupulina</i>	Hop Sedge
<i>Carex lurida</i>	Shallow Sedge
<i>Carex stricta</i>	Tussock Sedge
<i>Carex torta</i>	Twisted Sedge
<i>Carex vulpinoidea</i>	Fox Sedge
<i>Juncus effusus</i>	Soft Rush
<i>Matteuccia struthiopteris</i>	Ostrich Fern
<i>Osmunda cinnamomea</i>	Cinnamon Fern*
<i>Osmunda regalis</i>	Royal Fern*
<i>Scirpus atrovirens</i>	Green Bulrush
<i>Scirpus cyperinus</i>	Wool Grass
<i>Thelypteris palustris</i>	Marsh Fern

Herbaceous Species to be Planted in Areas of Drawdown

<i>Angelica atropurpurea</i>	Angelica
<i>Asclepias incarnata</i>	Swamp Milkweed
<i>Aster novae-angliae</i>	New England Aster
<i>Aster puniceus</i>	Purple-stemmed Aster
<i>Calamagrostis canadensis</i>	Blue Joint
<i>Caltha palustris</i>	Marsh Marigold
<i>Carex comosa</i>	Bristly Sedge
<i>Carex lacustris</i>	Lakebank Sedge
<i>Carex stricta</i>	Tussock Sedge
<i>Carex trichocarpa</i>	Hairy-fruit Sedge

<i>Cicuta maculata</i>	Water Hemlock
<i>Equisetum arvense</i>	Field Horsetail
<i>Equisetum hyemale</i>	Rough Horsetail
<i>Eupatorium maculatum</i>	Joe-pye Weed
<i>Eupatorium perfoliatum</i>	Boneset
<i>Euthamia graminifolia</i>	Grassleaf Goldenrod
<i>Glyceria canadensis</i>	Canada Mannagrass
<i>Glyceria melicaria</i>	Melic Mannagrass
<i>Iris versicolor</i>	Blueflag
<i>Leersia oryzoides</i>	Rice Cut Grass
<i>Onoclea sensibilis</i>	Sensitive Fern
<i>Panicum virgatum</i>	Switchgrass
<i>Solidago gigantea</i>	Giant Goldenrod
<i>Solidago rugosa</i>	Wrinkled Goldenrod
<i>Verbena hastata</i>	Blue Vervain

Shrub Species to be Planted in 0 to 6 inches of Permanent Water

<i>Cephalanthus occidentalis</i>	Buttonbush
<i>Salix discolor</i>	Pussy Willow
<i>Salix purpurea</i>	Streamco Willow

Tree and Shrub Species to be Planted Along the Edge of the Wetland

<i>Acer rubrum</i>	Red Maple
<i>Cornus sericea</i>	Red-osier Dogwood
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Viburnum dentatum</i>	Arrowwood
<i>Viburnum lentago</i>	Nannyberry

* Does best when growing in the shade of other plants.

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wetland/upland at the Crittenden Road/Siehl Road site and approximately 133 acres of wooded wetland/upland on and immediately adjacent to the proposed mine site.

The Crittenden/Siehl Road site contains an old mining area which currently provides minimal ecological benefits. Adjacent to the mined area is an existing wooded wetland on the remainder of the site. The mitigation will create different water regime areas, establish a viable topsoil base and restore wetland vegetation to the site. As part of the mitigation, an existing berm between the mined area and the wetland will be removed, effectively making the area one system. The wetland restoration will also have the effect of enhancing approximately 5 acres of adjacent wooded upland habitat on the site by increasing the overall biodiversity of the area. The 4 acre enhancement will consist of a low level berm constructed along a portion of Crittenden Road to increase hydrology to a marginal wooded wetland area.

The applicant's stated purpose is to expand an existing mining operation and increase the useful lifespan of the mining facility.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Steven V. Metivier, who can be contacted by calling (716) 879-4314, or by e-mail at: steven.v.metivier@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Steven V. Metivier, or by e-mail at: steven.v.metivier@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.